

WEBINAR WEDNESDAYS



Wednesday, June 17, 2020

NAZI IDEOLOGY AND THE COURTS IN THE THIRD REICH

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Nazi Ideology and the Courts in the Third Reich

William F. Meinecke Jr., Historian

Levine Institute for Holocaust Education

June 2020

I believe German prosecutors' contribution to the Holocaust was:

A) Essential

B) Substantial

C) Minimal

D) None at All

E) I do not Know

The Prosecutors' Office is the ideal authority for state direction of court decisions: Prosecutors...

... must obey directives from the department of Justice.

... know the facts of every case.

... have a decisive role in the judicial process and in the investigation of crimes.

... influence court decisions through the preliminary discussion of evidence with the presiding judge.

... are the charging authority in trials; they draft the criminal indictment.

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From a SD Report of May 24, 1943.

Program Goals:

- Articulate how the role of prosecutors shifted to reflect Nazi ideology under the new regime;
- Understand how the principles of Nazi ideology shaped the response of prosecutors to abuses against individual rights in the Third Reich;
- Analyze the lessons prosecutors can take away regarding the principles and “big picture” that guide the work of prosecutors in a democracy today.



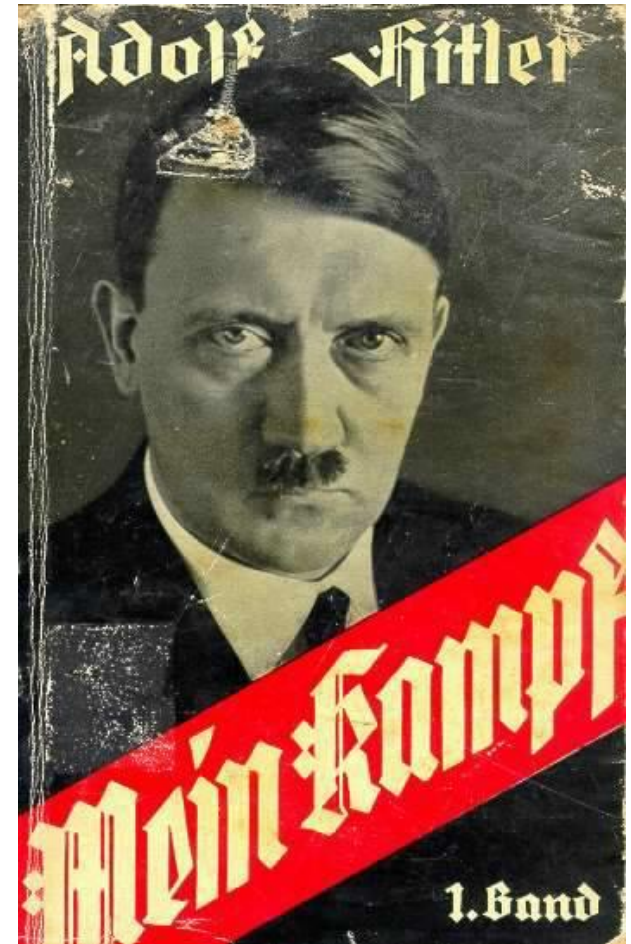
Bundesarchiv, Bild 151-30-21
Foto: o. Ang. | 1944

Overview of Today's Program:

- **Basic Tenants of Nazi Ideology**
- Case Studies
 - Nuremburg Laws
 - “Euthanasia” Killing Program
- Concluding Discussion

Basic Assumptions of Nazi Racial Ideology:

- There is a collective instinct for survival; every individual partakes of this instinct
- There is a hierarchy of races; some are more valuable than others
- Survival of the race depends on “Race Purity” and the seizure of territory to expand population



Basic Assumptions of Nazi Racial Antisemitism:



- Jews are a race; like all races, Jews seek dominance
- Jews have no living space!
- Jews seek to weaken other peoples and establish Jewish world domination
- Jews are the special enemies of the German people



First grade pupils study in a classroom in a public school in Hamburg. Germany, June 1933.

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A couple is publicly humiliated for violating Nazi race taboos.
Norden, Germany, July 1935.

The law distinguishes between:



Those of German Blood
belong to the German blood- and national community and can become citizens of the Reich.

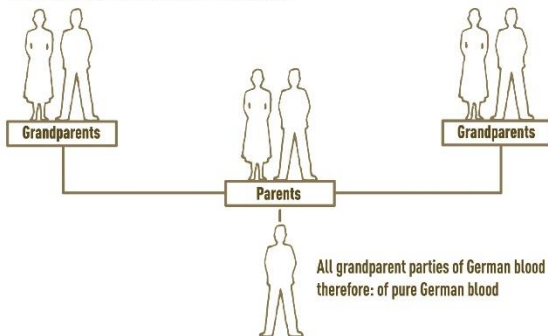
Jews
belong to the Jewish blood- and national community and cannot become citizens of the Reich.

Mischlinge of the 2d Degree
belong only to the German national community and can become citizens of the Reich.

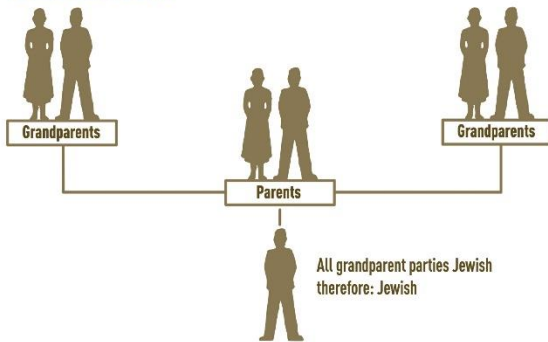
Mischlinge of the 1st Degree
belong only to the German national community and can become citizens of the Reich.

Membership in one of these groups is determined by the racial membership of the grandparents

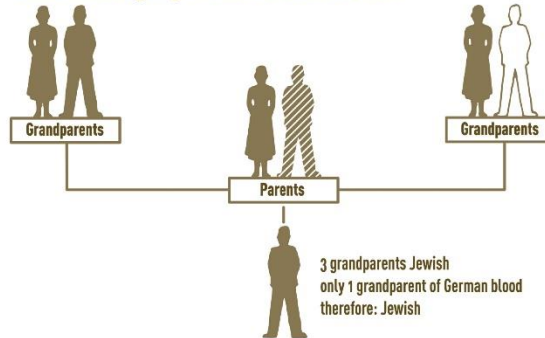
Who is of German blood?



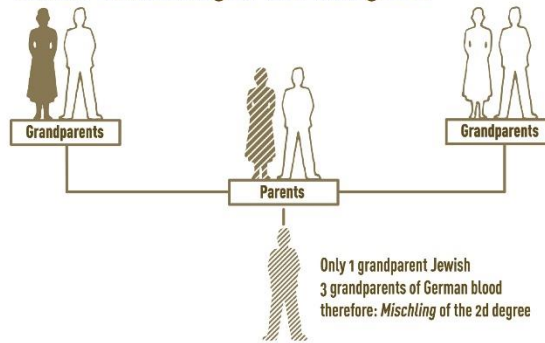
Who is a Jew?



Also belonging to the Jewish race:



Who is a *Mischling* of the 2d degree?



Who is a *Mischling* of the 1st degree?

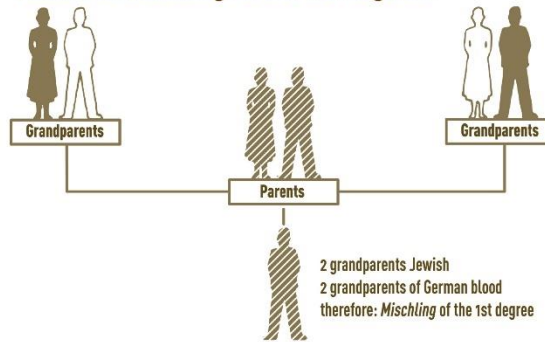
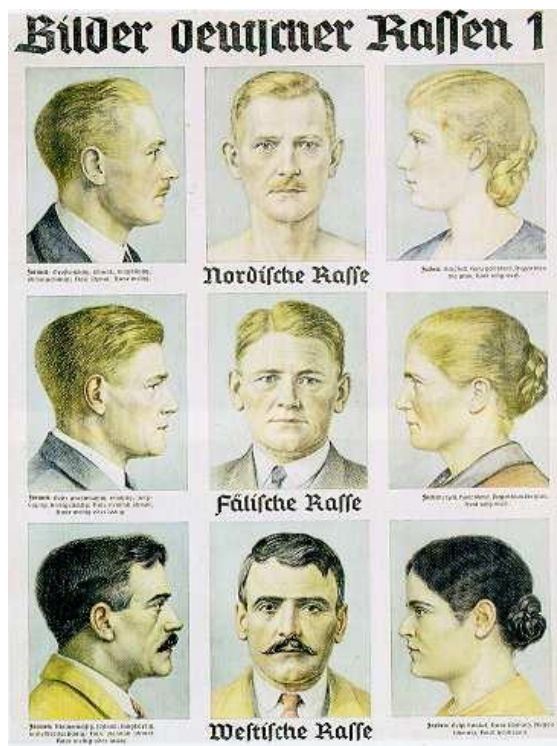


Chart indicating the categories established under the Reich Citizenship Law, September 15, 1935.

Law for the Protection of German Blood and German Honor, **September 15, 1935**

“...purity of the German Blood is the essential condition for the continued existence of the German people...”



Article 2. Extramarital relations between Jews and subjects of the state of German or related blood is **forbidden...**

Article 5./2. A male who violates the prohibition under Article 2 will be **punished** with a jail term or a prison sentence



Directives to all Prosecutors:

Treat even average cases of race defilement as serious: prison (harsher penalty) is always appropriate.

April 2, 1936

*Roland Freisler, State Secretary
Ministry of Justice, 1933-1942.*

Bundesarchiv, Bild 183-J03208
Foto: Heinscher | 1942

“Can we not even see these instances, when a crime against the blood results in a bastard, **as crimes of treason against the German people?**

Whoever goes against his race and the honor of the German people in so extreme and severe a manner is also against the existence of the German people and **must be treated as a high traitor.**”

Senior State Prosecutor Krell, Darmstadt,
November 13, 1936

August was convicted of Race Defilement and served 2 1/2 years in prison.

After his release, he was drafted into the German army and later declared missing in action in the Balkans.

Irma was sent to Ravensbrueck concentration camp, where she later died.



August L., a racial German with Irma, his Jewish fiancée and their two children on holiday, **Germany, June, 1938.**

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Eugenics



Faith in the ultimate
perfectibility of humans

Nazi officials at a health exhibition appreciate the “Glass Man” at the German Hygiene Museum, **Dresden, Germany, 1935**

The Duties of Prosecutors

“The state prosecutor... is required to act **whenever he has knowledge of a crime**, even in cases discovered outside of his official duties.”

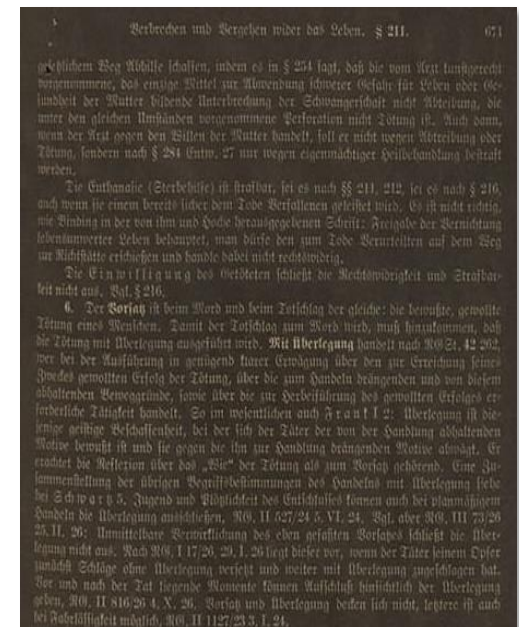
Conference of Senior State Prosecutors,
Article 152 Subsection 2, Rules of Criminal Procedure
Berlin, Germany, September 23, 1935

Crimes and Offenses against Life

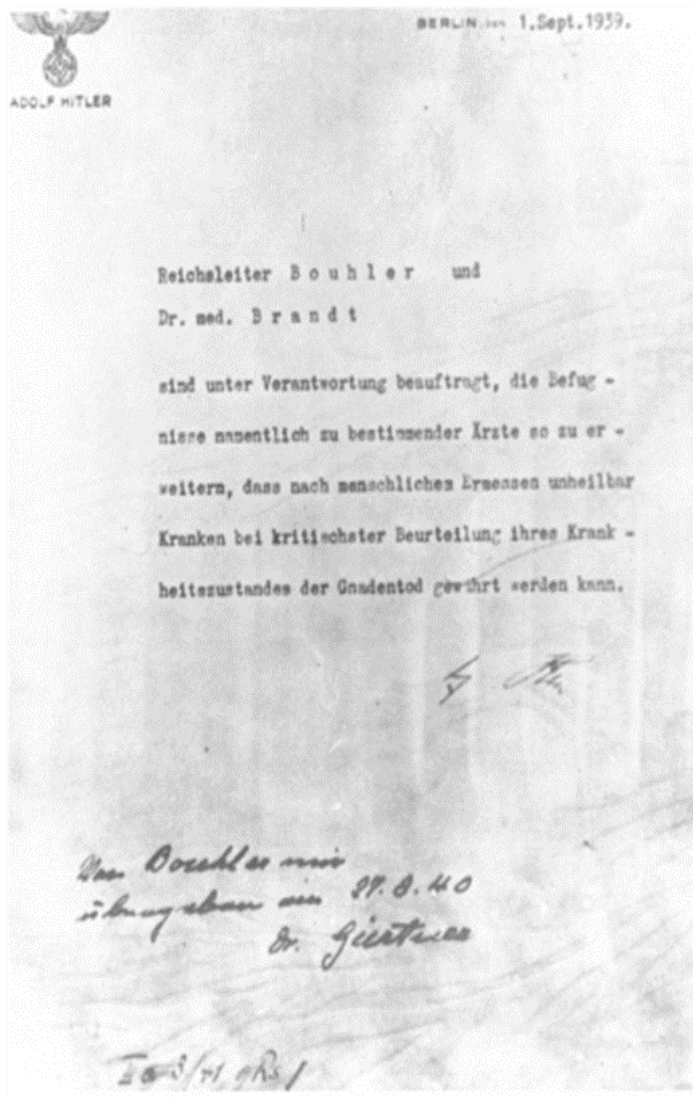
Paragraph 211, Subsection 5

“Euthanasia is criminal...even if death is otherwise assured. If you shoot a condemned person on the way to the place of execution you are still criminally responsible.

The willingness of the deceased has no impact on the criminality of the act.”



Ebermayer/Lobe/Rosenberg, *Reichs-Strafgesetzbuch*, 1929



“Reich Leader [Philipp] Bouhler and
Dr. med. [Karl] Brandt

are charged with responsibility to
extend the powers of specific doctors
in such a way that, after the most
careful assessment of their condition,
those suffering from illnesses deemed
to be incurable may be granted a
mercy death.

[signed] A Hitler.”

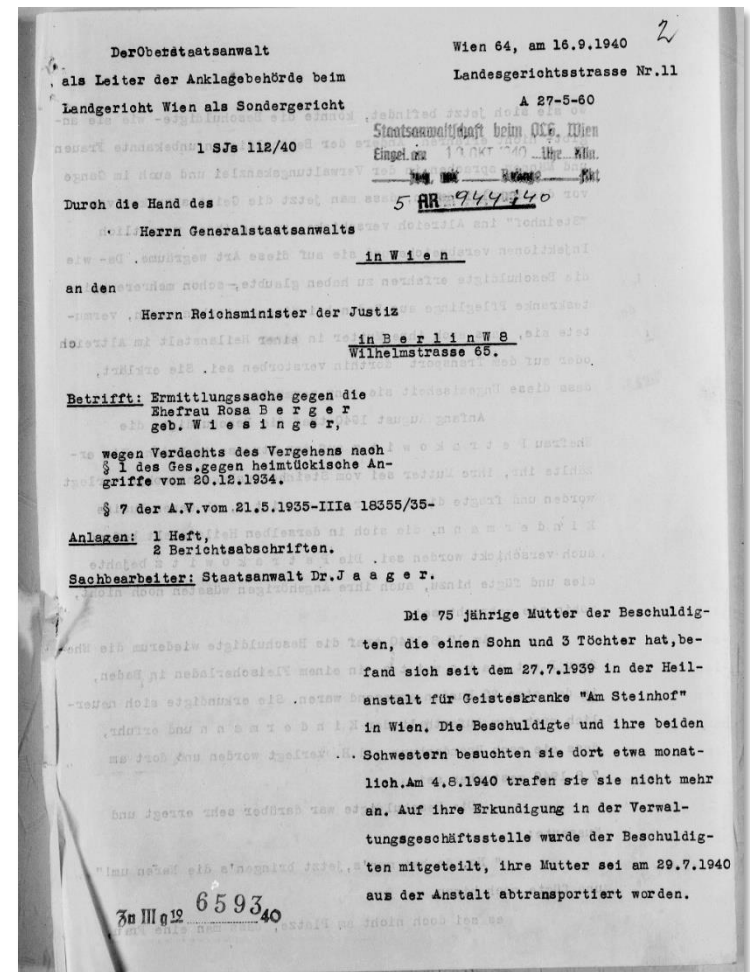
Judge Lothar Kreyssig



In July 1940, Judge Kreyssig filed murder charges against Philipp Bouhler with the Prosecutor's Office in Potsdam, Germany.

Prosecutor's report on charges pending against the housewife Rosa B. for defamation of the government.

While waiting in line at the butcher's shop, she proclaimed that the government was killing old people in nursing homes.



Vienna, September 16, 1940



Group portrait of children at a Catholic institution for disabled people shortly before their transfer to a “Euthanasia” killing center. **Ecksberg, Germany, 1940.**

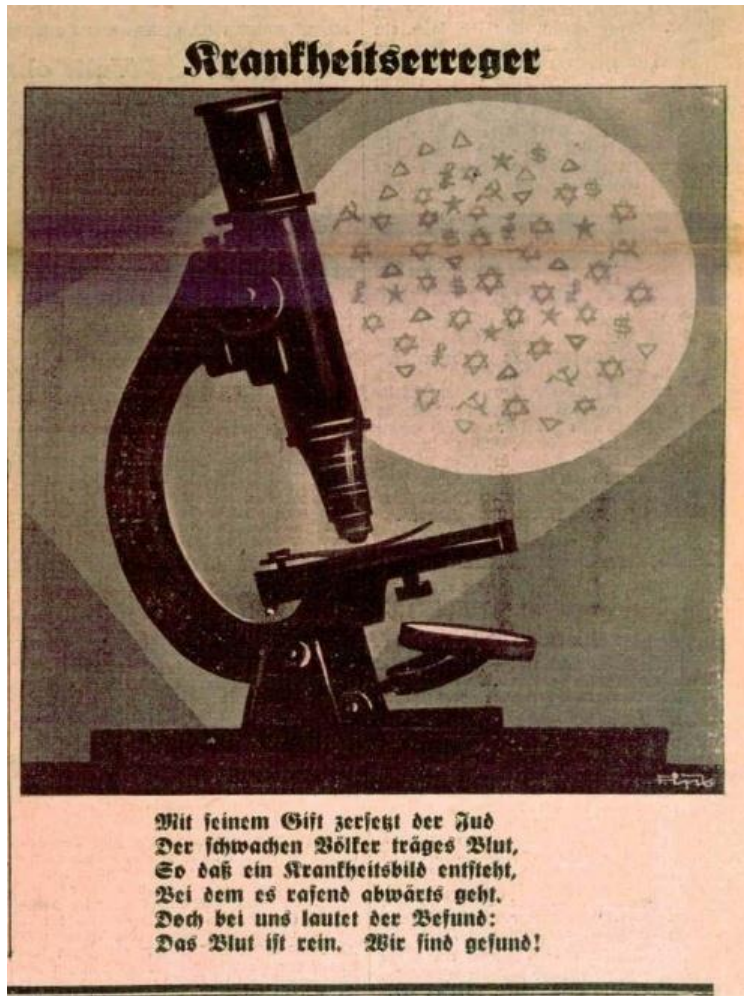
“...judges and prosecutors are at great **risk of harming the judiciary** and the state by acting against measures which they, in good faith but falsely, believe to be illegal and which lead them guiltlessly into **opposing the will of the Führer.**”



Acting minister of justice Franz Schlegelberger at an assembly of high level judicial officials.

Berlin, Germany, April 24, 1941.

Significance of Euthanasia Program



“Carriers of Disease”

Der Stürmer, April 15, 1943.

**I believe German prosecutors'
contribution to the Holocaust was:**

A)Essential

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D)None at All

What can you do right now to ensure that the kinds of failures that led to the Holocaust do not happen on your watch?